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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,043	02/05/2004	Ralph Carpinella	CARPIN/115/US	5445
2543	7590	06/16/2005		
ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			EXAMINER MAH, CHUCK Y	
			ART UNIT 3677	PAPER NUMBER

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/773,043	Applicant(s) CARPINELLA, RALPH	
	Examiner Chuck Mah	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). •
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1 page</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "pellethane thermoplastic polyurethane" is not found in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Balchunas (3,742,552). See element 20.

4. Claims 15 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hage (3,641,620).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 15-18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferencz (6,405,982) in view of Hage '620.

'982 discloses the invention as claimed but for the sliding surface formed of elastomeric material. '982 forms the sliding surface with plastic. '620 teaches that the sliding surface (16a) can be of plastic or elastomeric material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the sliding surface of '982 with elastomeric material since the examiner takes Official Notice of the equivalence of plastic and elastomeric material for their use in the furniture glide art and the selection of any of these known material to form the glide would have been an obvious functional equivalent.

As to the specific elastomeric materials and their hardness (claims 2-7, 16-18), it would have been obvious to one having ordinary skill in the art at the time the invention was made to choose other elastomeric material such as polyurethane, thermoplastic or polyurethane resin with a Shore D hardness 50-60 to form the sliding surface, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use, such as where strength, durability and resistance to cracking and warpage are desired, as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

7. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpinella (5,991,974) in view of Hage '620.

'974 discloses the invention as claimed but for the sliding surface formed of elastomeric material. '974 forms the sliding surface with plastic. '620 teaches that the sliding surface (16a) can be of plastic or elastomeric material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the sliding surface of '974 with elastomeric material since the examiner takes Official Notice of the equivalence of plastic and elastomeric material for their use in the furniture glide art and the selection of any of these known material to form the glide would have been an obvious functional equivalent.

As to the specific elastomeric materials and their hardness, it would have been obvious to one having ordinary skill in the art at the time the invention was made to choose other elastomeric material such as polyurethane, thermoplastic or polyurethane resin with a Shore D hardness of 50-60 to form the sliding surface, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use, such as where strength, durability and resistance to cracking and warpage are desired, as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.


Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (571)272-7059. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (571)272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chuck Mah
Primary Examiner
Art Unit 3676

CM